

AMENDED IN ASSEMBLY JUNE 19, 2006

AMENDED IN SENATE MAY 27, 2005

AMENDED IN SENATE MAY 4, 2005

SENATE BILL

No. 609

Introduced by Senator Romero

February 22, 2005

An act to add Sections 1752.07 and 1752.09 to the Welfare and Institutions Code, relating to juvenile justice reform.

LEGISLATIVE COUNSEL'S DIGEST

SB 609, as amended, Romero. Juvenile justice reform.

Existing law establishes the ~~California Youth Authority and related agencies that provide~~ *Division of Juvenile Justice in the Department of Corrections and Rehabilitation, which provides for the administration of the juvenile system, as specified. Existing law authorizes the Director of the Division of Juvenile Justice to establish and operate a treatment and training service and any other services as are proper for the discharge of his or her duties.*

~~This bill would set forth various findings and declarations and express the intent of the Legislature to provide for the transfer of Youth Authority parole supervision and services from state to local governments require the Division of Juvenile Justice to maintain its own staff for the purpose of developing its own curricula and training materials consistent with division policies and standards. By January 1, 2011, the bill would further require the division to eliminate the practice of 23-and-1 confinement, except as specified.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 1752.07 is added to the Welfare and*
2 *Institutions Code, to read:*

3 *1752.07. The Division of Juvenile Justice shall retain, within*
4 *division headquarters, staff responsible for developing its own*
5 *curricula and training materials consistent with division policies*
6 *and standards. The division shall also have its own trainers*
7 *whose sole specialty is training for staff working in a juvenile*
8 *corrections system dedicated to rehabilitation. Specialists shall*
9 *be trained consistent with juvenile training standards and*
10 *curricula.*

11 *SEC. 2. Section 1752.09 is added to the Welfare and*
12 *Institutions Code, to read:*

13 *1752.09. On or before January 1, 2011, the Division of*
14 *Juvenile Justice shall eliminate the practice of 23-and-1*
15 *confinement, except in the case of an emergency. In the case of*
16 *an emergency in which 23-and-1 confinement is necessary, the*
17 *division shall notify the Legislature of its intent to use that*
18 *practice, and to submit an exit strategy describing when and how*
19 *it will cease to employ that confinement.*

20 ~~SECTION 1. (a) The Legislature finds and declares that the~~
21 ~~current physical plant of youth correctional facilities in the~~
22 ~~California Youth Authority has contributed substantially to the~~
23 ~~system's inability to carry out its statutory purpose to increase~~
24 ~~public safety and rehabilitate youthful offenders as specified in~~
25 ~~Section 1700.~~

26 ~~(1) National research has shown that physical environment,~~
27 ~~including facility size, living unit size, and staffing ratios~~
28 ~~correlate significantly with outcomes in institutional behavior,~~
29 ~~success of specific treatment modalities, and recidivism.~~

30 ~~(2) California already limits living unit size and prescribes a~~
31 ~~much more intensive staffing ratio for juvenile facilities housing~~
32 ~~a much less challenging group of youth than is handled by the~~
33 ~~Youth Authority. Juvenile halls may not house more than 30~~
34 ~~youth in living units, and must provide a daytime staffing ratio of~~
35 ~~one staff for every 10 juveniles.~~

36 ~~(3) National standards have long called for small living units.~~
37 ~~The U.S. Department of Justice, Office of Juvenile Justice and~~
38 ~~Delinquency Prevention, Standards for the Administration of~~

1 Juvenile Justice, Standard 4.2112 (1980), provided for living
2 units not to exceed 20 youth. More recently, the U.S. Department
3 of Justice, Office of Juvenile Justice and Delinquency
4 Prevention, Guide for Implementing the Comprehensive Strategy
5 for Serious, Violent, and Chronic Offenders (1995) found that
6 small living units reduce social density and thus enable residents
7 to avoid unwanted contacts with other juveniles. Also,
8 programming delivered in small living units involved more
9 personal contact with staff.

10 (4) California law limits other juvenile facilities, including
11 juvenile homes, camps, ranches, and forestry camps to no more
12 than 100 youth, or 125 youth in special situations, based on the
13 Legislature's stated belief that "juvenile ranches, camps, forestry
14 camps, and other residential programs should be small enough to
15 provide individualized guidance and treatment for juvenile
16 offenders which enable them to return to their families and
17 communities as productive and law abiding citizens."

18 (5) National standards have historically called for training
19 school facilities that do not exceed 100 youth in size.

20 (6) Even modest past efforts to lower the size of living units at
21 the Youth Authority have substantially improved rehabilitative
22 outcomes. In a pilot program during the 1960's and 1970's, the
23 Youth Authority Research Division found that slightly lowering
24 living unit size improved correctional management, advanced
25 treatment goals, and substantially reduced the rate of parole
26 violations after release. Similarly, reducing living unit size and
27 increasing interaction between wards and staff under the
28 Enhanced Casework Pilot Program beginning in 2002, resulted in
29 many fewer disciplinary infractions and less use of force by staff.

30 (7) The United States Department of Justice, Office of
31 Juvenile Justice and Delinquency Prevention, Guide for
32 Implementing the Comprehensive Strategy for Serious, Violent,
33 and Chronic Offenders (1995) has found that large facilities are
34 not cheaper, especially when capital costs and upkeep are
35 considered.

36 (8) The United States Department of Justice calls for staffing
37 ratio of one to eight in its corrective action plans for juvenile
38 facilities. This ratio was recognized and recommended for the
39 Youth Authority in the California Performance Review
40 Corrections Independent Review Panel.

1 ~~(9) Other jurisdictions have moved away from the use of large~~
2 ~~prison-like juvenile facilities because of similar crises, and~~
3 ~~information is available from them about the redesign process~~
4 ~~and outcomes.~~

5 ~~(10) The Governor's Juvenile Justice Working Group (2004)~~
6 ~~identified facility/living unit size and staffing as issues needing~~
7 ~~further attention in the context of California juvenile justice~~
8 ~~reform.~~

9 ~~(b) Therefore, the Legislature declares that the Youth~~
10 ~~Authority facilities shall be redesigned, rebuilt, or remodeled, so~~
11 ~~that they may be adequately programmed and staffed to provide~~
12 ~~individualized guidance and treatment for juvenile offenders~~
13 ~~which will enable them to return to their families and~~
14 ~~communities as productive and law abiding citizens. The~~
15 ~~reformed system shall be consistent with public safety goals as~~
16 ~~specified in Section 1700.~~

17 ~~(c) The Legislature finds and declares that the parole~~
18 ~~population of the Youth Authority has declined significantly in~~
19 ~~recent years and is projected to decrease from 3,800 cases~~
20 ~~statewide on June 30, 2005, to fewer than 3,500 parolees~~
21 ~~statewide by June 30, 2006. As the parole population has~~
22 ~~declined, the Youth Authority has found it increasingly difficult~~
23 ~~to provide optimum supervision and services to parolees~~
24 ~~statewide in a cost-effective manner. Local probation~~
25 ~~departments and courts already supervise large numbers of~~
26 ~~juvenile offenders and are better positioned to provide local and~~
27 ~~community supervision and programs to each ward released from~~
28 ~~the Youth Authority.~~

29 ~~(d) It is the intent of the Legislature to provide for the transfer~~
30 ~~of Youth Authority parole supervision and services from state to~~
31 ~~local governments.~~